

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

RICHARD XIA, a/k/a YI XIA, *et al.*,

Defendants,

and

JULIA YUE, a/k/a JIQUING YUE, *et al.*,

Relief Defendants.

Case No. 21-cv-05350-PKC-RER

REPORT OF RULE 26(f) CONFERENCE

On June 1, 2022, the following counsel met and conferred by telephone pursuant to Federal Rule of Civil Procedure 26(f):

For plaintiff Securities and Exchange Commission—Kim Han, Esquire, Kevin McGrath, Esquire, and David Stoelting, Esquire.

For defendants Richard Xi and Fleet New York Metropolitan Regional Center LLC—Randall T. Eng, Esquire, and Mark C. Rifkin, Esquire.

For relief defendant Julia Yue—Hervé Gouraige, Esquire.¹

For relief defendants Xi Verfenstein and Xinming Yu—Mary P. Hansen, Esquire, and Michael J. Rinaldi, Esquire.

¹ Mr. Gouraige, who has filed a motion to withdraw as counsel (Dkt. 89), is currently counsel of record for Ms. Yue. In an email to the SEC on June 3, 2022, Mr. Gouraige stated that: “Technically, I represent Yue until relieved by the court. In reality, I can’t represent a client with whom I have no means of direct or even indirect communication. I cannot authorize you to communicate with her directly because I don’t know whether she chooses to proceed pro se or is seeking new counsel.”

With respect to a scheduling order, the parties agreed to propose the following to the

Court:

1. The parties shall make their initial disclosures, pursuant to Federal Rule of Civil Procedure 26(a)(1), by June 24, 2022.
2. With respect to the interrogatories, document requests, and requests for admission served by relief defendants Verfenstein and Yu on May 25, 2022, plaintiff shall respond by June 30, 2022.
3. The parties shall complete all fact discovery by November 18, 2022. Each party is entitled to take twelve depositions, not including depositions of experts.
4. The parties shall make opening expert disclosures, pursuant to Federal Rule of Civil Procedure 26(a)(2), by December 19, 2022.
5. The parties shall make rebuttal expert disclosures, pursuant to Federal Rule of Civil Procedure 26(a)(2), by January 19, 2023.
6. The parties shall complete expert discovery by February 28, 2023.
7. Any *Daubert* motions or motions for summary judgment shall be filed by March 31, 2023.
8. Oppositions to any *Daubert* motions or motions for summary judgment shall be filed by April 21, 2023.
9. Replies in support of any *Daubert* motions or motions for summary judgment shall be filed by May 5, 2023.

The undersigned parties also discussed the production of documents and agreed that documents would be produced electronically.

The undersigned parties respectfully request that a scheduling order, a proposed form of which is attached, be entered.

U.S. SECURITIES AND EXCHANGE
COMMISSION

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*Attorneys for Relief Defendants Xi Verfenstein
and Xinming Yu*

Dated: June 6, 2022.